APPENDIX C

FIFRA HIGH VISIBILITY INCIDENTS

INTRODUCTION

This appendix was developed to address the management of high visibility incidents relating to the use of pesticides. The misuse of methyl parathion in Regions IV, V, and VI is used as an example throughout this manual; however, we believe that the information contained herein can serve as a guide for a variety of high visibility incidences.

INTERAGENCY COORDINATION

Coordination with Other Entities

A great deal of coordination takes place between EPA and State/local entities before, during, and after a misuse event. Success depends on close working relationships established before any inspectional activities begin. Ideally, an interagency task force or workgroup should be established to alleviate confusion and rivalry among the respective participants. Memoranda of agreement (MOAs), flow charts, and written directives enhance the communication, outreach, and overall efforts of any operation. In many cases, local governments rely solely on the expertise of the State and federal authorities. In almost every situation each agency compliments and enhances the overall effort when effectively utilized and incorporated into a holistic approach.

Defining Jurisdiction Issues in Advance

It is unrealistic to expect that jurisdictional issues and questions will not arise during the initial phases of the operation. Some effort, therefore, should be made by each affected regulatory and community-based organization to define jurisdictional issues beforehand. Although complete agreement may not be reached by all the parties on each issue, all will come away with the same expectations and a clear understanding of their respective roles. In some high profile events, local agencies and community organizations can serve as effective conduits of information to assist federal and State regulatory personnel. Local government agents have a sense of perspective and can often provide immediate

logistical and personnel support. Flow charts are an easy and inexpensive way for federal, State, and local entities to depict their respective responsibilities, transfer of information, and jurisdictional issues. Flow charts also help dramatize how the process unfolds from initial discovery, investigation, sampling, testing, and final dispensation of each respective party.

Federal

Each federal agency shall review their existing MOAs and interagency agreements to clarify the respective roles and responsibilities. The federal participants should respond as requested and foster cooperative relationships with other federal counterparts not only for the smooth transition into and out of an event but to provide leadership. It is counter productive for State and local entities to observe federal entities squabbling over jurisdictional issues when a crisis situation merits their primary attention. With respect to the misuse of methyl parathion, the regional and HQ pesticide programs should establish reporting mechanisms and identify contacts to exchange information and receive technical advice. Likewise, each regional pesticide program shall coordinate roles and responsibilities between the regional emergency response teams (SUPERFUND), health and toxic substances agencies such as the Center for Disease Control (CDC), Agency for Toxic Substances Disease Registry (ATSDR), Department of Justice (DOJ), Federal Bureau of Investigation (FBI), and the Attorney General's Office (AG), as appropriate.

State

The coordination of State regulatory programs is just as important to the overall management of an event as the federal program. State agencies shall initiate and foster close working relationships with local authorities as appropriate to accomplish the mission. Periodic meetings shall be held with local agencies to clarify roles and responsibilities and to keep State and local personnel informed, as appropriate.

Status Reports: State to Region, Region to HQ

A mechanism shall be established to provide daily reports to the State, region, and headquarters offices.

COMMAND CENTER

Establishing a Command Center

The need to establish a command center to address and coordinate the inspectional and environmental sampling activities depends upon the nature and the level of the incident. Flow charts are an easy and inexpensive way for federal, State, and local entities to depict their respective responsibilities, transfer of information, and jurisdictional issues. The command center shall address many needs including meeting sites, database management, supply storage and distribution, inspector coordination, and records maintenance.

Location

The location shall be in close proximity to the affected area to reduce travel time for the inspection.

Expenses

Expenses to consider include the cost of acquiring a command center. Other expenses might include the following:

- Office supplies.
- Film and processing.
- Printing.
- Inspection/sample supplies.
- Shipment of samples.
- Computer/FAXes/printers.
- Cellular phones and paging service.
- Telephone service for voice and fax.
- Laboratory costs.
- Blood analysis (base lines for inspectors as appropriate).
- Meals/lodging/gasoline.
- Mileage.
- Air travel.
- Overtime/Compensatory time.
- Field, administrative, clerical and data management staff assistance costs.

Facilities

If the facts of the case determine there will be a need to conduct numerous pesticide inspections over a long period of time, management should choose facilities to serve the purpose but reduce the cost over an extended stay. Facilities that could serve as command centers include army barracks, National Guard armories, vacant hospital wings, fairgrounds, and church recreational and Sunday school classrooms. Local police departments, emergency response agencies, municipal buildings and libraries also offer alternatives to hotels and resorts. Short term leases on condominiums and apartments may be practical.

Equipment/Resources

The command center shall serve as a meeting place for all regulatory personnel and their guests including the local and national press, local agency personnel, members of the community, activists groups, and other law enforcement personnel. The ideal command center accommodates a database system to collect and tabulate inspectional activities, allows for storage of sampling equipment, inspection forms, samples ready for analysis, containers collected on inspectional visits, printers, telephones, rechargeable

pager stations, fax machines, empty boxes to ship samples, and a central bulletin board to announce meetings, inspection requests and important interagency information. Samples and inspection equipment, databases, and files should be in a secured location to ensure evidence integrity.

Establishing Contacts/Phone Logs

A telephone and contact sheet or book should be developed as soon as possible and should include primary and secondary contacts for every agency involved. All inspector names should also be included with phone, pager, and credential numbers.

ADMINISTRATIVE SUPPORT

Use of Administrative/Support Staff Personnel

Depending on the size of the event, it may be useful to utilize administrative or clerical support staff to help manage the command center. Administrative staff can fax, enter data, coordinate the submission of samples to the laboratory, coordinate couriers and Federal Express, answer phones, order supplies, sign for deliveries, copy forms for the inspections, index case files, provide security for investigation files, run errands, and arrange meetings, etc. When these activities are conducted by support staff, management and the inspection teams can focus on the overall operation and investigation activities.

Data Entry Personnel

If the size of the event warrants it, a database management system and a data entry person in the field to enter the data may be used. At least two other individuals at the site shall be familiar enough with the database system to operate and/or produce needed reports as necessary. The database systems can be used to capture the investigatory data and can be used interchangeably with existing State and federal database systems.

LABORATORY SUPPORT

Courier Services for Lab/Back-up

Arrangements should be made to cover sample delivery to the appropriate laboratory for analysis.

HEADING TO THE FIELD

Managing Inspectors in the Field (Management)

State and federal management shall resolve issues of authority and chain of command as soon as possible. Inspectors shall hear one consistent voice controlling the investigation. Inspection procedures and respective authorities shall be provided in writing and shall be fully discussed with all investigators. Once the designation of additional persons in authority becomes necessary, the respective authorities must be explained to all. For the sake of team morale and consistency, no local deviations from written policy shall occur.

Arriving at the Site on Day 1 (Management)

Prior to initiating any inspections, inspection protocols shall be determined and adequate supplies and safety equipment must be obtained to cover an anticipated number of inspections. Facilities need to be located to store supplies, provide administrative support to the investigators (phone, FAX, copier, computers and printers, etc.), and provide an assembly area for briefings, sample preparation, and report writing.

When these logistics have been resolved, a meeting shall be held to explain the mission; copies of the authority policy shall be distributed along with the inspection/safety protocols and both shall be discussed thoroughly. After all these things have been decided and discussed, inspections may begin.

Arriving On-Site (Public Relations/Press Personnel)

As soon as warranted, a plan for press/media details shall be developed and a media person designated to be the primary contact. Investigators shall not have contact with the media unless it is coordinated through the media specialist and command management.

Getting Started

Upon arrival at the command center, inspectors shall notify the appropriate personnel of their arrival, make arrangements to team up with a lead inspector, collect their supplies and assignments, and begin conducting site visits. Management shall put together a quick orientation guide for incoming personnel. Each inspector shall take the time to read the information presented in the orientation guide before beginning site visits.

Each inspector shall acquire a baseline blood examination and respirator FIT test, where applicable, before entering the field to conduct investigations. Also, each inspector shall team up with at least two other "seasoned" EPA and/or State pesticide inspectors who have been in the field conducting these investigations and who have inspector credentials. Once each inspector's training is complete, teams of two shall be formed. Designate a vehicle that each team will be using to conduct the investigations and place the proper equipment in an organized fashion in this vehicle. The teams shall refer to the supply list manifest and safety equipment listing as a guide. Each team member shall determine his or her duties prior to each site visit to avoid confusion and to expedite the

investigation. Since each team will consist of two individuals, it may be beneficial for one team member to conduct the interviews with each resident and to prep and wrap the samples. The second team member may collect the samples, assist with sample prep, and fill out the Receipt for Samples, collection reports, and chain of custody. The second team member may also collect the proper documentary or physical samples and exhibits for inclusion in the case file.

Credentials

If an inspector or office staff person does not have EPA or State credentials, then he/she should team up with someone who does. The individual who has the credentials will act as the 'lead' inspector on a team and all inspections will be done under the lead's credential number. This number will go on all samples, official sample seals, and investigation reports, etc. as appropriate.

INSPECTIONS

Assignments

Assignments are prioritized and assigned at the end of the day to facilitate contact with residents the night before an inspection/site visit. Priority shall be given to households which have children and the elderly as primary residents and/or who have reported adverse health affects symptomatic of the respective pesticide in question. The local health department may be able to assist in the prioritization process.

Contacting Residents for Site Visits

The night before the site visits, each team shall try to contact residents whose homes they intend to inspect. In many cases, the residents will not be home and several calls will be necessary to make contact with the homeowner/tenant. Teams may elect to use cellular phones on the road to contact residents, clarify directions to a site, and to notify residents of delays.

Day Care Centers/Restaurants

If a team receives an assignment to inspect a restaurant, day care, nursing home or any other kind of facility which they believe may be regulated by the Health Department, they should speak with the Officer in Charge about making arrangements to be accompanied by a representative of the Health Department. This procedure shall be determined by management ahead of inspection assignments.

The Visit/Inspection

Upon arrival, proceed to the main entrance of the residence, knock, present your credentials, and introduce the team members. One team member may elect to introduce both individuals and tell the resident the reason for the visit. The resident shall also be apprized at this time how each team intends to inspect/sample the home

(i.e., Inspector Brown will interview the residents and prep the samples while Inspector Smith will dress out in safety gear and enter the home for sampling purposes). After a through walk-through has been completed by the sampling team, tell the resident how many samples the team intends to take and where the samples will be collected.

Length of Inspections

The length of the inspection and sampling depends on the amount of information needed to document the application and collect environmental samples. If official statements are required, the process may be further delayed.

TEAMS

Organizing the Team's Vehicle

Prior to leaving to conduct site visits/sampling initiatives, each vehicle should have the appropriate supplies. Each team shall take enough supplies to cover those instances where additional sample collection is necessary and/or some element of the investigation needs to be repeated because of mistakes, etc. The team shall take time at the end of the day to reorganize the vehicle and collect additional supplies so the team can leave for site visits as soon as possible the next day.

Establishing Limits/Time Frames and Check-ins for Inspection Teams

At the end of each day, teams shall report to the command center at a pre-established time. One-half hour before dusk insures the safety and accountability of the teams in the field. The teams shall leave enough time to get samples into the command center and prepped and ready for the courier or transfer to the laboratory. Inspectors shall also plan enough time to write inspection reports, eat dinner, conduct daily meetings, and have time to relax.

Setting Up Inspections By Zone in Communities

Individuals responsible for the inspection assignments shall acquire several city and local maps and use them to break each location into distinct zones. These zones can be used to assign hotline calls to inspection teams so that teams can become familiar with their respective territory and so that there is no overlap in territory with inspection teams crossing each other paths.

Team Meetings

Team meetings shall be held regularly to facilitate communication and direction of the exercise. Team meetings/briefings shall be mandatory for every inspection team unless otherwise directed. The team meetings/briefings are an opportunity for disseminating the latest information, discussing inspection procedures, and

exchanging information on the latest complaints/numbers. Each meeting shall also address any relevant safety issues.

INTERVIEWING TECHNIQUES

Interviewing/Conversations with the Resident(s)

Each site will be different and the response each team receives from residents involved may differ dramatically. Some residents will be open and friendly while others may be reclusive and non-committal. Many residents will ask how long the procedure will last and when they will be notified of the results. Also, the team shall be aware of their facial expressions and comments over the quantity of pesticide residue they encounter in the home. Many of these residents have not even noticed the tell-tale signs of staining, streaking, etc., and the team shall not elevate their anxiety level by making untoward comments. Each resident will respond to the site visit in a different way. Try to avoid situations where the team makes vocal observations about the residence, education level of the residents, and/or the appearance and cleanliness of the structure.

Answering Questions from Homeowners/Tenants about Health-Related and Remediation/Relocation Issues

The responsibility of the pesticide investigation teams is to document the use of pesticides. It is not the responsibility of any member of a pesticide team to explain short term and/or long term health affects or to commit to remediation/relocation inquiries. Health officials and Emergency Response personnel (SUPERFUND) are directly responsible for these types of inquiries. Pesticide staff shall, however, be as courteous and responsive to resident inquires and concerns as possible. In many cases, the investigators are the first persons the resident contacts regarding pesticide sampling and their anxiety level may be high. Inspectors may provide the resident with a brief introduction of roles and responsibilities so that the homeowner understands why the inspection team is there, the scope of the team's duties and what the team will be doing while visiting the home. Based on the information collected during the Mississippi and Tennessee initiatives, the following lists the most common questions from residents:

Question: Why are you wearing moon suits to enter my home when my children are crawling around on the floor?

Answer: Since our investigation teams are visiting numerous homes and may be exposed to varying levels of the chemical, it is agency policy that they be protected accordingly. It does not mean, however, that your home has high levels of the compound. The

suits prevent contamination from one home to the next since we are visiting a number of homes and do not know contamination levels prior to sampling.

Question: When will I know the results of this investigation/sampling?

Answer:(Note: work out a standard and consistent reply that reflects not only your programs opinion but those of the laboratory assigned to conduct the analysis). A standard answer may be "within two weeks we should have your results.

Question: Who will notify me of the results?

Answer: The health officials that are working with us will notify you. This is most likely the last time you will see a pesticide program inspector regarding this particular incident.

Question: Should I move my family out?

Answer: You should wait until all the analytical work is complete and you have spoken to the appropriate authorities before making such a decision.

Question: Should I clean up where the chemicals were sprayed?

Answer: No, if you attempt to clean the treated areas you may increase your exposure to the chemical.

Supplies

Inspection Forms

- Notice of Inspection
- Receipt for Samples
- Resident questionnaires
- Statements
- Medical Release Forms
- Sample Collection Reports
- Chain of Custody Forms
- Pesticide Fact Sheets

Sampling Supplies

- Disposable latex or vinyl gloves.
- 3 x 3 inch cotton gauze (swabs).
- Solvent - Isopropyl alcohol- reagent grade.
- Templates - 10cm x 10cm.
- 9 ounce glass jars with screw top lids.
- Labels for identification of sample jars.
- Polyethylene bags (8 x 24) used for shipping samples to lab.

- Polyethylene bags (12 x 30) used for collection of (8 x 24) polyethylene bags containing official samples and small pesticide containers.
- Official sample seals.
- Squeeze bottles for isopropyl alcohol.
- Tin foil.
- Black garbage bags for trash and to collect large evidence.
- Filament tape for sealing sample bags.
- Camera with flash.
- 200/400 speed film for camera.
- Flashlight.

Writing Supplies

- Black sharpee markers
- Black ball point pens
- Blue ball point pens

Safety Equipment

- Tyvex suits
- Tyvex booties
- Full-face respirator(s)
- Half-face respirator(s)
- Latex/vinyl gloves
- Respirator replacement cartridges

Other

- Watch
- Cellular phone/Pager
- Clipboard
- Water/ice chest for samples

File Assembly Materials

- Manilla folders
- Paper for assembling photographs
- Stapler

SAMPLING

On-Site Sampling Procedures

Each residence shall be sampled using the same procedure. A total of five samples shall be collected at each site unless the conditions

dictate more or less. The first sample (01) shall be a blank and is used to show that the sampling prep area/procedures are not contaminated; sample (02) consists of a composite sampling of the kitchen (3 gauze); (03) shall be taken under the kitchen sink; and (04) and (05) shall be taken in a bathroom, infants playroom/bedroom, family room, pantry, etc. The inspection team shall interview the residents to determine where the applicator made the applications and where children reside to make the best use of samples (04) and (05).

Upon arrival, at least one team member shall begin sample preparation after the initial introductions have been conducted. Begin by removing five pieces of tin foil in 12 x 12-inch sections. Then, remove five clean, glass jars from storage and place them on the pieces of tin foil. The tin foil serves two functions: it protects the sample jar/gauze from any contamination that is present on the surface where the samples will be prepped and it ensures the integrity of the samples once the sampler enters the residence and removes the swabs from glass jars before sampling locations in the home.

Sample preparation continues with the identification of the sample jar labels and the 10cm x 10cm templates. Each sample jar label and template must have the same identification number (i.e., 112096 11990 0101). This number reflects the date of the inspection, the inspectors credential number, and sample sequence (first inspection, first sample collected). Sample preparation continues with saturating each sample with isopropyl alcohol. The sample prep team member shall remove 1 gauze pad (while wearing gloves), fully saturate the gauze and place it in the glass jar that will represent official sample number 01. After this sample has been prepared, the sample prep person then removes their gloves that they used for the first sample and puts on a new set of gloves to charge the remaining four sample jars.

Once the sample jars are ready, the sample prep person can remove five, 8 x 24-inch polyethylene sample bags, identify each with an official sample collection number, and invert each bag to accommodate the samples collected. While the sampler is collecting samples from the home, the sample prep person can generate official sample seals, tape the 8 x 24 inch sample bags, and set out the black garbage bag for collection of used template, gloves, tin foil, tyvex and booties. Also, the sample prep person can interview the homeowner/tenant while the sampler is conducting his or her sampling inside the home.

As the sampler exits the residence, the sample prep person/interviewer shall open the respective polybag that matches the sample jar and have the sampler place the jar in the bag. The sample prep person can then tie, tape, and seal the sample bag. Once all sample bags are ready they can be placed in a 12 x 30-inch polybag for transfer to the command center and to the federal and/or State laboratory. Each team shall remember to fill out the collection report for inclusion in the bag as well as the Chain of Custody form that will accompany the samples.

The Sampler

The sampler has a considerably more hazardous job than the individual who remains outside to interview the resident, prep and collect the samples from the sampler. The sampler shall wear, at a minimum, a half-face respirator, tyvex suit, gloves, and booties. The sampler can also photograph the sample site (template) before he swabs the effected area. The sampler shall begin outfitting as soon as the introductions are concluded with the homeowner. The sampler shall indicate to the resident that the use of protective equipment does not indicate that the residence is contaminated and only that it is Agency protocol. The team may also add that since the teams are visiting numerous residences day after day, that the potential for increased/elevated exposure levels is possible and the equipment protects both the sample and the sampler.

Once inside the sampling site, the sampler shall remove the charged gauze pad from the clean glass jar and with it folded in-half, wipe five times horizontally top to bottom inside the template. Templates shall be identified properly, (identified with official sample number) and placed in the location of the sample collection, photographed and used to designate the sampled area (i.e., 10cm x 10cm area). Turn the swab over and swab vertically five times across the inside of the template. At the end of this step, the sampler will be left with two potentially contaminated (used) sides of the cotton swab. The contaminated sides should be folded onto themselves leaving two unused sides for two more applications to the area in question. Again, repeat the same procedure first horizontally, then vertically inside the template. Once sampling is concluded, immediately place the swab in the glass jar with the sampling hand, seal top of jar and exit sampling site. Repeat the same procedure used for all swabs, including the composite sample where two more samples will be taken in the kitchen before exiting site. Repeat the same procedure used for the first swab except at two other locations in the kitchen. Place the swabs back in the clean glass jar, apply the lid, and take to the sample bag located outside the residence.

The sampler is responsible for the collection of samples 02-05. The sampler may collect additional samples as warranted. Sample 02 should be taken entirely from the kitchen and will represent three gauze wipe samples taken from hand-picked locations in the kitchen. Sample 03 will be drawn from under the kitchen sink. Samples 04 and 05 will be drawn at the discretion of the sampler but should be focused on the infants bedroom, bathroom, other family bedrooms or high-traffic areas such as the family room/dining room.

Preparing Sampling Bags for Transport

Once all sample bags are ready, they can be placed in polybags for transfer to the command center and on to the federal or State laboratory. The Investigation Summary or Sample Collection report shall be placed inside the bag with all the samples from a single site. The team shall also complete a portion of the Chain of Custody form that can be placed in a box at the command center.

This form will be completed by the person(s) (courier service) transporting the samples to the analytical laboratory. (Note: This procedure is only to be used if the "lead management" agrees with these procedures. Otherwise, use the other procedures as described in other chapters of this manual for sampling.)

Drawing Sub-Samples after Warrants are Completed/Acquiring a Facility to Pull Sub-Samples

During a search/arrest warrant exercise, there may not be enough time or the conditions may hamper efficient sub-sampling activities. The team shall designate a location away from the applicators home or place of business to collect sub-samples of the chemical compounds confiscated during the search. Sub-samples shall be drawn using established federal and State procedures and/or using the NEIC sampling guide.

Storage Facilities for Containers Collected during Inspections

The pesticide investigation command center management shall determine a suitable place for the storage of pesticide containers collected during the investigations. Pesticide containers shall not be stored at the command center for extended periods of time. These containers shall be identified, bagged, photographed, and logged into the system and then transported to a secure facility for storage.

Chain of Custody Issues for Samples/Time Frames for Sample Submission

Chain of custody forms will need to be utilized to ship the samples via inspector/courier to the respective laboratory for analysis and to place confiscated containers and pesticide receptacles into custody. These form shall have at a minimum the following information:

- Program
- Official sample number(s)
- Compound to be analyzed
- Sample type(s)
- Name of person relinquishing sample(s)
- Name of person accepting sample(s)
- Date
- Time
- Type of packaging
- Where the container(s) are to be stored

Disposal of Used PPE and Sampling Equipment

Depending on the degree of contamination and number of pesticide investigations/environmental sampling events that are conducted, an acceptable method of PPE and sampling equipment disposal shall be determined. Inspection teams shall not leave their used safety equipment and sampling supplies at the sampling site nor shall they dispose of these items in an unsafe manner at the command center. In certain situations, the emergency operation component of the operation (SUPERFUND) may have access to dumpsters positioned at the remediation sites or have a place prepared at their command center for disposal of these items. If the remediation/relocation phase of the operation has not started, a suitable alternative should be arranged.

Respirators

Because each team will be inspecting sites which may have high levels of methyl parathion or other agricultural chemicals, respirators should be used while inside these structures. Each inspector shall be fit tested for an appropriate respirator by his/her safety officer. Full-face and half-face respirators come in different sizes and accommodate any size facial feature except those who are not clean shaven. Respirators shall be cleaned at the end of each day.

INSPECTION REPORTS

File Assembly/Sample Submission

Each file shall have a completed Notice of Inspection, Receipt for Samples, questionnaire, and original complaint form. The type and peculiarity of the file may warrant the collection of statements, medical release forms, and additional photo-documentation. The team shall be cognizant of the daily status of the general investigation so that any new inspection procedures are included. At the end of each day, the team shall complete a file folder cover with the following information:

< Name

< Address

< Phone

< Number of residents, adults, children, and pets

< Name of applicator

< Inspection date

< Treatment date

The information on a folder cover is entered into a database which may be used by Emergency Response and the Health Department to contact families requiring relocation. Even if the team has not finished all the paperwork for the inspection, the folder shall be completed and entered into a database. Photographs and other information can be added at a later date as the team completes their

reports. Since conducting a number of inspections during a relatively short time frame, inspection reports need to be completed daily. This will prevent confusion between inspections or locations.

Notice of Inspection

The Notice of Inspection shall include the following information:

- Name of the individual.
- Address of the State or federal EPA office.
- Title of individual.
- Address of the individual.
- Date and time of the inspection.
- Signature of the EPA or State inspector.
- Title of the State or federal representative.
- Under "Reason for Inspection" - "For the purpose of inspecting sites where pesticides have been used to determine whether the pesticides were used in compliance with FIFRA/State law" should be checked.
- Under "Violation Suspected" - "None by subject" (if homeowner/tenant) and "Possible misuse of a pesticide."
- Check the "voluntary consent" box.
- Indicate inspection site (i.e., home, apartment etc).
- Signature of inspected party, title and date.

Receipt for Samples

The Receipt for Samples shall include the following:

- Name of the individual
- Address of the State or federal EPA office
- Title of individual
- Address of the individual
- Date of the inspection
- Signature of the EPA or State inspector
- Official sample number(s)

Language used in the body of the Receipt for Samples shall accurately describe where each sample was collected (i.e., under the kitchen sink, from base molding on the left side of refrigerator, from the back splash directly above bathroom vanity, etc.). Each swab area shall be calculated such as 100 cm squared and a total area if the swab represents more than one application site.

Questionnaires

Questionnaires are an effective and efficient means of acquiring information from each person inspected. It is best for the entities responsible for the investigations develop questionnaires specific to the investigation to assure uniformity and consistency by the inspectors. Some of the information collected by the pesticide inspectors may be very useful to health officials and emergency response officials. Questionnaires shall include the following information:

< Date.

< Inspector(s).

< File Number.

< Name of inspected party, address, home and work phone.

< Type of structure (house, trailer, church).

< Name of applicator.

< Date of LAST treatment.

< Total number of treatments by the applicator.

< How the person heard about the applicators services.

< Receipts, business cards, invoices etc.

< A pesticides left on site (either sold or free of charge).

< Description of container.

< Any self-applied material/applications.

< Names of all persons who witnessed the application(s).

< Areas of structure treated.

< Verbal claims/precautions issued by applicator to resident.

< Other pest control companies employed at this residence.

< Number of occupants broken down by adult/children/ages.

< Property owners name, address and phone.

< Adverse health effects noted immediately following application and over time.

< Other information/comments.

Statement

The statement is an important tool to lock in the observations and statements of the person interviewed during the investigation. Before beginning, obtain all the pertinent information on the questionnaire and/or a field notebook. Record the information on a statement form and have the complainant sign and date it. It is highly recommended that the inspector write the statement in the complainant's words. The statement shall address the following areas:

< Complete name, address and phone number of complainant.

- Owner of property, name, phone number and address.
- Nature of the complaint.
- Name of individuals or company which applied or sold the pesticide(s), date and time of application and/or sale and name(s) of the pesticide(s) used if available.
- How the complainant found out about the applicator/distributer in the first place?
- Date and time complainant first observed problem/damage?
- Where the applicator treated the home, kitchen, bath etc.?
- Did homeowner witness applicator mixing product and what if any safety equipment he or she wore while the application occurred?
- Did the applicator give any verbal warnings, provide instructions to resident?
- Did the complainant use any other pest control service before or after the application in question?
- Did the complainant purchase any material and/or use the material inside the residence and where?
- Timing and description of adverse health affects to any member of family?
- Method of payment?
- Were receipts, business cards, invoices provided?
- Any attempts by homeowner to clean up the treatment sites?
- Any friends, acquaintances, business associates who used the services of the applicator in question?

Physical Samples

Most of the physical samples collected take the form of individual and/or swab samples (3"x3") and containers either holding a suspicious pesticide compound or pesticide material left behind by the applicator. As discussed in the sampling section, swab samples shall be placed in clean, glass jars, sealed, and polybagged in an appropriately sized polybag (i.e., 8x24 or 12x30).

The bag shall be sealed with an EPA Official Sample seal, identified, and then inverted to assure sample integrity. The containers collected shall be double polybagged, identified, sealed and placed in an area of the vehicle that is removed from the swab samples. The inspection team shall take along several extra strength garbage bags to store two to five gallon pesticide spray containers and other large pesticide jugs that cannot be accommodated by standard polybags. Physical samples shall be collected each night for either shipment to the laboratory for analysis or collection at an approved container/hazardous waste storage facility.

Exhibits

Exhibits can include anything that doesn't fit into the documentary or physical sample description, namely business cards, invoices, maps of the inspection site, flyers, receipts, etc. Small plastic bags are useful in collecting and identifying these exhibits and keep the material from getting lost in the vehicle and/or during other pesticide investigations/ environmental sampling exercises. Include photos of the house, yard, etc. in the exhibit section of the official case file.

The Narrative

Each narrative generated in the field shall include at a minimum the following information:

- Date of narrative.
- Date of the inspection.
- Name, address, and phone numbers of the party inspected.
- A full description of the investigation that concisely summarizes the events/activities.
- The official sample number(s) and a description of the type of sample, where and how the sample(s) were collected and if any photographs were taken of the sampled area(s).
- Exhibits including maps, canceled checks, business cards etc.
- Identification of photographs taken of the containers collected, sampling sites, conditions, treated areas etc.
- List of attachments such as NOI, RFS, statements, sample collection reports, questionnaires, private/commercial certification cards, photographs etc.
- Inspectors' names, credential numbers, and date signed.

Photography

During each emergency situation, attention shall be given to documenting the alleged violation through photography. Photographs shall be taken of the sampling sites, containers collected, dwellings, and alleged applicators/illegal operators. The team shall take the opportunity to document the overall site including living conditions and inhabitants.

Film canisters shall be identified by the inspector's name (use tape wrapped around the role) and placed in a designated area in the command center. Film shall be developed daily.

Each team shall have access to at least two 35 millimeter cameras in case one of them becomes inoperative, and four to five roles of 400 speed film.

The investigation of fraudulent activities in pesticide misuse cases is difficult at best to prove. Several issues may lead an experienced pesticides inspector to suspect fraudulent activity. Some of the telltale signs of fraud are listed below:

- The homeowner does not have specific information as to the date of the applicators treatment.
- The individual(s) interviewed do not have any business cards, receipts from the applicator.
- The homeowners/tenants cannot identify the alleged applicator from the composite lineup.
- The persons interviewed act defensively when questioned on specific issues related to the alleged pesticide spraying.
- The questions asked by the residents do not reflect a environmental/human health concern rather a financial and reimbursement issue.
- The resident directs the inspection team to certain locations in the home and is adamant that the inspectors sample at these sites.
- The analysis of the samples may show an elevated level of pesticidal compound that is not comparable to other sites sampled.
- The spray patterns and areas treated may be different to those that represent the alleged applicator's standard operating procedure.

It is imperative that the inspection team closely analyzes all of these elements and to report these findings to their immediate supervisory personnel. The Office of Inspector General or the Federal Bureau of Investigation (FBI) may also be interested in the information collected during the investigation and will most likely try to re-interview homeowners if the evidence is strong enough to implicate fraudulent activity. This decision is not made by the inspector. As an aside, inspector morale will most definitely be affected by the implications of fraud and if it goes unchecked will lead to a significant amount of cynicism in the ranks.

DATABASE

A database should be used to collect all relevant data collected during the investigation phase. The database can help direct resources, track the caseload by inspection team and applicator, prioritize investigations, and give management a tool to determine assignments and direction of resources to a given site. Elements of a good emergency pesticide database are listed below:

- Name, address, and phone numbers of inspected party.
- Number of residents living on-site.

- Number, names, and ages of children.
- Pets.
- Inspection date, number, and sequence.
- Treatment date.
- Applicator(s) (Leave several data sites available for more than one applicator.
- Pesticide distribution (Yes/No).
- Residence.
- Property owner.
- Business (Yes/No).
- Type of business (Day care, restaurant, hotel etc.).
- Other sites treated.
- Residence sampled.
- Business sampled.
- Lab results.
- Action level.
- Comments.

VENDORS/CONTRACTS/CHARGE ACCOUNTS

Federal and State pesticide programs shall have a listing of supply, form, and other contractors available. Vending services shall be established for the best quality yet affordable sampling supplies, inspection forms, and safety equipment. Also, local vendors and contract agreements shall be identified such as local Wal-Marts, K-Marts, Federal Express, UPS, etc. to facilitate the efficient purchase of administrative supplies and to develop film collected during the investigations.

ENFORCEMENT

Dealing with Local Judges, Police, Emergency Response, Sheriffs Department

As soon as indications are manifested that may require arrest and search warrants using State authority, contacts should be made with local law enforcement authorities and prosecutors. These officers can assist with identifying proper jurisdictions, executing warrants, providing security when needed, and providing locations to secure evidence, if necessary. State/local search and arrest warrants issued pursuant to violations of State/local laws other than pesticide misuse often provide the avenue to generate much needed pesticide

use-related evidence when probable cause otherwise may be wanting. Properly collected evidence seized during the execution of legitimate search and arrest warrants also may be used to document violations of other State or federal laws. This practice has often been used successfully and emphasizes the partnership of the State and federal agents and takes advantage of all opportunities for prosecution.

Civil Proceedings

All violations detected shall be prosecuted and the coordination between civil and criminal prosecutors shall be encouraged. U.S. and State attorney's may not want to criminally prosecute all the cases brought to them. In the interest of justice, dual prosecutions shall be considered in some cases. However, all cases not prosecuted criminally shall have administrative actions taken as soon as possible.

Drafting a Search/Arrest Warrant

This protocol will vary by jurisdictions. Specific examples can be provided, but local law enforcement will provide the best advice and direction in this matter. For FIFRA Administrative Warrants, consult the EPA Inspector's Manual.

Execution of the Arrest/Search Warrant

For FIFRA Administrative Warrants, consult the EPA Pesticide Inspector's Manual. Work with local law enforcement to execute State warrants.

The team shall meet prior to the warrant's execution to determine the roles of all participants. Law enforcement shall effect entry, secure the premises, and isolate the suspect. The search shall meticulously cover all areas subject to the search. All items seized or sampled shall be carefully inventoried and described for the "return." If appropriate (see the manual and consult the officers), the suspect shall be Mirandized by a law enforcement officer or by the arresting officer. A general interview format shall be prepared prior to execution of the warrant. One agent shall interview and one shall take careful notes. The role can be reversed for follow-up questions.

Questions to Ask Applicators

In many cases, when an investigation team conducts an interview with the actual applicator it is during the execution of an arrest/search warrant. The applicator shall be advised of his Miranda rights by a law enforcement officer if he is under arrest. If the situation presents the opportunity to acquire legitimate information from an applicator who is agreeable to an interview, the following questions could be used to illustrate the violative history of the applicator:

- Full name, address, phone, social security number, and age of applicator?
- Certification status?

- Other individuals living at applicators residence and their occupations?
- How is the applicator employed, how long, name of employer, and phone?
- If and when did the applicator begin using pesticides for hire?
- Types of pesticides used?
- Where were the chemicals purchased?
- Does the applicator use agricultural pesticides such as methyl parathion in homes?
- Where did the applicator conduct his business activities?
- Names of clients? Records?
- Verbal directions/precautions issued to his clients?
- Use of business cards, invoices, and methods of payment?
- What method of payment was used to purchase pesticides?
- What quantity of product did he purchase?
- Did he keep records of his clients, and the amount and location of the pesticides used/applied?
- How much did he charge for his services?
- How did he mix the chemical(s)?
- Any adverse health affects noted to his person or to his clients?
- How many applications were made per year?
- Where are his records kept?
- Where are his pesticides stored and how are they stored?
- Areas of homes treated, inside/outside and for what pests? Describe treatment?
- What equipment was used to mix and apply the pesticides?
- Were businesses treated? Names?
- Did he give the pesticide he was using a special name (i.e., "Cotton Poison", "Bug Juice")?
- How did he promote his service, (newspapers, word of mouth, other advertisement)?
- Does he hold any special positions with local churches, organizations?
- Where did he originally get the idea to utilize methyl parathion and/or the pesticide under investigation?
- Who referred the business and chemical to him for use?

- Does he work alone or with another associate?
- Why did he select the specific compound?
- Does he know of any other applicators or individuals who sell the chemical from tail gate sales, flea markets, door to door or make applications to homes, businesses, etc.?
- Did he sell the pesticide?, cost?, to who? and what type of containers and dilution rate?
- Did he apply in other communities, or in other States?
- How was the chemical(s) transported?
- Did anyone purchase the chemical for him? Names?
- Did anyone transport the chemical(s) to him for use/sale?
- Other sources of income?
- Where does he dispose of empty containers?
- Does the "source" of the chemical have other customers and who?
- Does the applicator have a regular physician?

Issuing the Warrants

Judges issue the warrants based on an affidavit signed by a law enforcement officer. The type of warrant and the jurisdiction will determine who may sign the affidavit -- a law enforcement officer, a State inspector, or a federal inspector. The warrant shall be as broad as the court allows and shall be executed in strict accordance with the terms listed therein. The time for any clarifications shall be in front of the judge at the time the warrant is signed. Local officers and prosecutors can be most helpful in selecting judges for this task. See the Pesticide Inspector's Manual.

Conferring with the Press Before, During and After the Issuance of the Search/Arrest Warrants

The press shall not be advised prior to the issuance of a warrant because an untimely broadcast may lead to the destruction of evidence or the loss of a suspect by flight. For their safety, and as a rule, the press shall not be invited to participate in the execution of the warrant. If the press do show up unexpectedly, they shall be kept away from the scene by local law enforcement. The media representative may brief the press after the scene is secure and the search complete, but only in general terms without revealing sensitive information. As much as possible, stick to the media protocol determined at the beginning of the investigation.

Surveillance

Consult the manual. "Ride bys" and static surveillance shall be carefully planned and shall not be executed without prior approval of the management team, and proper and careful planning. Coordination with local law enforcement is advised. Poorly

executed surveillance may lead to premature awareness on the part of suspects and the subsequent loss of perhaps critical evidence.

Conducting the Search Both Inside and Outside the Dwelling

Several pesticide investigators shall be used to conduct the search/arrest warrant investigation. It is best to have two inspectors interview the applicator, one to ask the questions and the other to take notes, and begin to formulate a statement. Also, it helps to have a second party available during the interview to focus on missed opportunities and questions asked by the lead interviewer. A second team should survey the inside of the home and work from the left side-front of the home move in a concerted manner sweeping left to the right side of the home searching and confiscating pertinent documents. A third team can be used to check the outside of the home to collect any pesticide containers and document any disposal sites on the property.

The team assigned to the inside of the dwelling shall take every opportunity to discover records, diaries, notes, business cards, etc. in the home. Night stands, bedrooms, offices, the kitchen table, and where telephones are located are especially productive when conducting search and seizure activities. The team shall take its time when searching the premises and shall check periodically with the interviewing team to ascertain if the applicator has divulged any areas of record storage in the dwelling. Many individuals will have a wall mount calendar that they use to record transactions and phone numbers of customers and will use the blank portion of the local phone book to transcribe customer phone numbers.

Outbuildings adjacent to the primary dwelling shall be thoroughly searched for pesticides and equipment. A shed may be located at the edge of the property that may include mixing equipment and the suspected chemicals. Care shall be taken to properly collect the material/containers, depict the location of collection on a map made by the inspection team and provide an accurate/descriptive listing of all inventory collected for use on the search warrant manifest.

Media/Press

The press can be utilized very effectively to educate and prepare the communities involved in the exercise for the inspection teams visit. A good working relationship with the press should be fostered and certain members of the task force shall be designated to handle technical questions and press interviews. Public affairs offices, both at the federal and State level will also provide assistance with the press.

As with all major new stories, the press may take a keen interest in the daily operations of the investigations and any new information that can air on the 5 o'clock news or in the next days newspaper headlines. The team may be asked for names of persons/sites inspected. The team shall not, under any circumstances, divulge the identity of any individual they have inspected. This information must be kept confidential. If the team is directed to allow the

presence of the press at one or more of the inspections, the team shall contact the resident and get their permission before the team allows the press to tag along. The team shall not provide the name of that individual to the press. Allow the resident to provide this information to the press upon their arrival at the site. Some residents may consent to the press paying a visit on the phone only to deny them access once they have arrived with the inspection team. Also, do not allow the press to enter the structure while the inspection team is present at the site. The Notice of Inspection (consent) only allows the entry of authorized State and federal personnel. The invitation does not extend to any other entity outside that arena. With the tenants/homeowners consent, the press may enter their home after the team has completed their inspection and left the premises.

Acquiring Video Coverage from News Broadcasters

If the press is actively covering the emergency situation, the leadership team may elect to contact a local dubbing service, all of the local news broadcasting stations, and newspaper services to try to acquire footage of the proceedings, inspection team interviews, press briefings, etc. for late training purposes and to document the event. Dubbing services usually charge anywhere from $25.00 to $75.00 per episode and then discount each segment thereafter depending on the amount of broadcasts ordered. Some news stations, depending on their relationship with the agency will reproduce copies of the segments for a minimal cost or free of charge if a videocassette is provided. The management team may elect to have the inspectors and their family tape the news casts from their personal video equipment and then collect all the footage after the event is over. Public affairs offices shall be used to help initiate contact with the press and to acquire footage as well.